

Remarks

Claims 1-21 were pending in the subject application. By this Amendment, claims 1, 3, 4, 5, 15, 16, and 17 have been amended, new claims 22 and 23 have been added, claim 2 has been canceled. The applicants acknowledge that claims 7-14 and 18-21 have been withdrawn from further consideration as being drawn to a non-elected invention. However, the applicants wish to reserve the right to request rejoinder of the non-elected process claims upon an indication of an allowable compound claim in accordance with MPEP §821.04. Support for these Amendments and new claims can be found, for example, at page 9, lines 1-31, page 14, lines 1-20, and the claims as originally filed. The undersigned avers that no new matter is introduced by this Amendment. Accordingly, claims 1 and 3-23 are currently before the Examiner for consideration. Favorable consideration of the claims in view of these remarks is earnestly solicited.

As an initial matter, the applicants wish to thank the Examiner for the indication of allowable subject matter.

The applicants note that the Information Disclosure Statement (IDS) submitted to the Patent Office on April 19, 2002 was not acknowledged in the instant Office Action. Although the U.S. Patent Office's Patent Application Information Retrieval (PAIR) system acknowledges the filing of the IDS on April 19, 2002, it appears that the IDS, the PTO-1449 form, and the accompanying references were not scanned into the Electronic File Wrapper. Per the Examiner's request in a telephonic conference with the applicants' representative, photocopies of the IDS, the PTO-1449 form, and copies of the references cited therein, all as filed, are enclosed. The applicants respectfully request that the IDS and the references cited therein be taken into consideration.

Claims 1, 3, and 6 have been rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the written description requirement. The applicants respectfully traverse this ground of rejection and assert that the written description requirement does not require that an application disclose every embodiment of an invention. The subject specification contains several non-limiting examples which demonstrate that the applicants, at the time the application was filed, were in possession of the claimed invention.

However, in order to expedite prosecution, claim 1 has been amended, in part, to incorporate the limitations of claim 2, wherein the organic scaffold can be a calixarene or a (C<sub>8</sub>-C<sub>12</sub>)aryl. Specifically, the specification teaches embodiments where a calixarene serves as a scaffold for a plurality of peptide loops. (Page 9, lines 6-12) Not only does the specification teach numerous substituents for the individual peptide loops, it teaches how to make these peptide loops. (Page 10-11, lines 20-25, 1-23) Thus, the applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112 rejection over the claims as now presented.

Claims 1, 2, 3, and 6 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,770,380 (hereinafter "Hamilton *et al.*"). The applicants respectfully traverse this ground of rejection and request reconsideration in view of the claims now presented. It is well established law that in order to anticipate, a single reference must disclose within the four corners of the document each and every element and limitation contained in the rejected claim. *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

The applicants assert that the Hamilton *et al.* patent fails to teach all of the elements of pending claims 1, 3, and 6. Specifically, the Hamilton *et al.* reference is limited to compounds that mimic antibodies. To that end, the reference further teaches single amino acids substituents or residues of single amino acids on the antibody mimic. (Column 5, lines 55-67; Column 7, lines 41-59; Claim 14).

In contrast, the growth factor bonding compounds of the claimed invention utilize polypeptide substituents. As such, the compounds of the claimed invention are not limited to those compounds with merely a single substituted amino acid. In contrast, the claimed invention provides novel compounds capable of supporting numerous permutations of peptide sequences, including various tetrapeptides. (Page 12, lines 16-27). The Hamilton *et al.* reference fails to teach this specific embodiment. Moreover, the use of peptide substituents is not even within the contemplation of the cited reference as it fails to even suggest peptide substituents. Thus, the Hamilton *et al.* patent does not teach each and every element of claims 1, 3, and 6; accordingly, the applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection.

Claims 4, 5, 15 and 16 have been objected to as being dependent upon a rejected base claim. In a telephonic conference conducted on November 8, 2004, the Examiner indicated that independent claim 4 and all of its dependents, claims 5, 6, 15, 16 and 17, are directed to allowable subject matter.

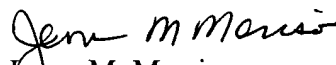
It should be understood that these amendments have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of the applicants' agreement with or acquiescence in the Examiner's position. The applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

The applicants believe that this application is in condition for allowance, and such action is earnestly solicited.

The Assistant Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 and 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Enclosures: Amendment Transmittal Letter

Copies of IDS submitted 04/19/02, PTO-1449 form, and references cited therein